

# EXHIBIT 21



**Don't let the Democratic Party,  
ACORN/TOPS and Sylvia Garcia  
take over Pasadena.**

**Republicans, please vote for:**

**Steve Cote:** City Council, At-Large

**Darrell Morrison:** City Council, At-Large

**Bruce Leamon:** City Council, District B

**Emilio Carmona:** City Council, District C

**Bear Hebert:** City Council, District D

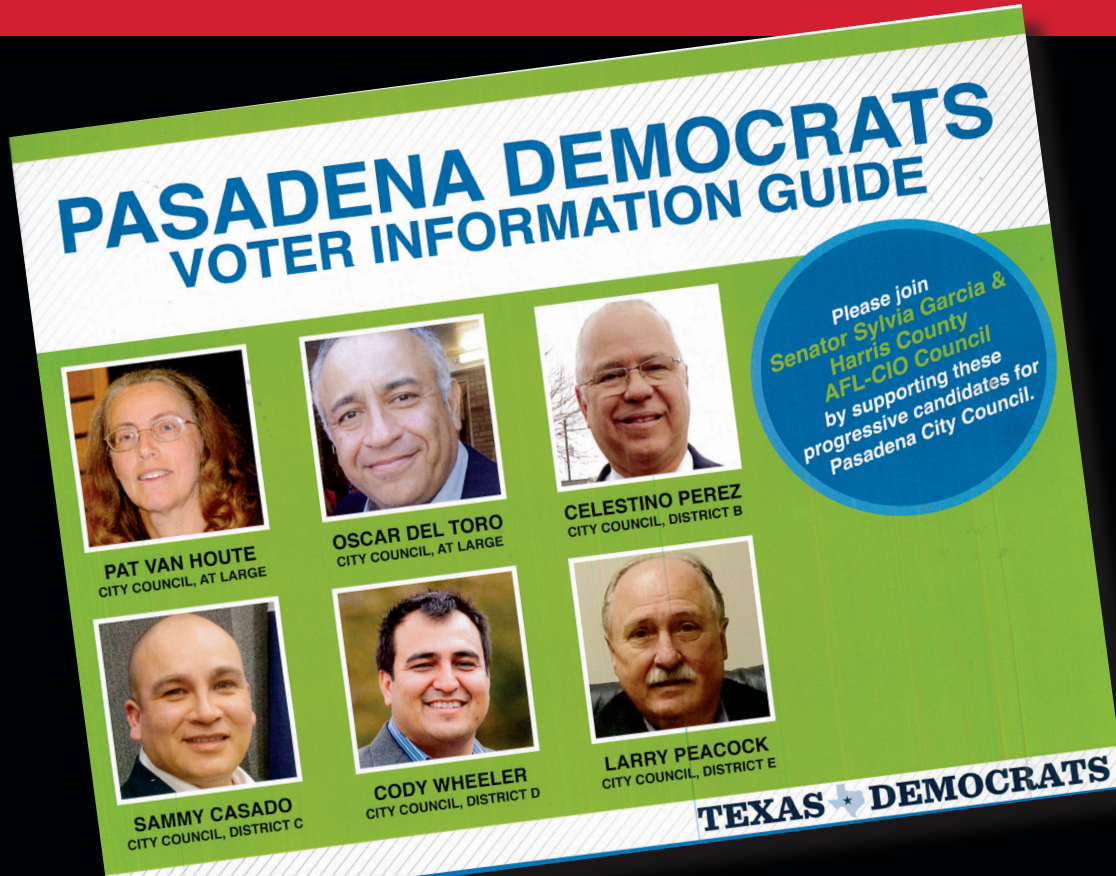
**Cary Bass:** City Council, District E

pd pol ad  
Citizens To Keep Pasadena Strong  
4808 Fairmont Parkway #193  
Pasadena, TX 77505

FIRST CLASS  
U.S. POSTAGE  
**PAID**  
PERMIT #2713  
N. HOUSTON, TX

**Election Day is May 9th.  
It is critical that all Republicans please vote.**

# AN URGENT MESSAGE FOR PASADENA REPUBLICANS.



The Texas Democratic Party is trying to take over our city. This is their voter guide.

# EXHIBIT 22

**Transcript of the Testimony of  
Richard Scott**

**Date:**

July 08, 2016

**Case:**

ALBERTO PATINO VS. CITY OF PASADENA

Kim Tindall and Associates, LLC.

Phone: (210) 697-3400

Fax: (210) 697-3408

Email: ktindall@ktanda.com

Internet: [www.KimTindallandAssociates.com](http://www.KimTindallandAssociates.com)

Richard Scott

July 08, 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO, et al.                     )  
   )  
                          Plaintiffs,                     )  
   )  
VS.   ) CIVIL ACTION NO.  
   ) 4:14-cv-03241  
CITY OF PASADENA, et al.,                     )  
   )  
                          Defendants.                     )

ORAL DEPOSITION OF RICHARD SCOTT  
JULY 8, 2016  
VOLUME 2

ORAL DEPOSITION OF RICHARD SCOTT, produced as  
a witness at the instance of the Plaintiff and duly  
sworn, was taken in the above-styled and -numbered cause  
on Friday, JULY 8, 2016, from 10:48 a.m. to 2:35 p.m.,  
before ANDREA BALLANTYNE, CSR in and for the State of  
Texas, reported by computerized stenotype machine, at  
the offices of Pasadena City Hall, 1211 Southmore,  
Pasadena, Texas, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record  
herein.

Richard Scott

July 08, 2016  
Page 86

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Ms. Nina Perales  
Mr. Ernest I. Herrera  
MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND  
110 Broadway, Suite 300  
San Antonio, Texas 78205  
(210) 224-5476  
www.maldef.org

FOR THE DEFENDANTS:

Ms. Kelly S. Sandill  
ANDREWS KURTH, LLP  
600 Travis, Suite 4200  
Houston, Texas 77002  
(713) 220-4181  
kellysandill@andrewskurth.com

FOR THE WITNESS RICHARD SCOTT:

Mr. Andrew Drumheller  
RUSTY HARDIN & ASSOCIATES, LLP  
1401 McKinney, Suite 2250  
Houston, Texas 77010  
(713) 652-9000  
adrumheller@rustyhardin.com

Also Present:

Ms. Kathleen Cullen

Richard Scott

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## I N D E X

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## RICHARD SCOTT

6

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1 (Exhibit 1 through Exhibit 53 marked.)

2 RICHARD SCOTT,

3 having been duly sworn, testified as follows:

4 EXAMINATION

5 BY MS. PERALES:

6 Q. Good morning.

7 A. Good morning.

8 Q. My name is Nina Perales, and I represent the  
9 plaintiffs in this case. This is the resumed deposition  
10 of Richard Scott.

11 Can you tell me your name, please?

12 A. Richard Scott.

13 Q. I'd like to remind you, Mr. Scott, that you are  
14 under oath. The oath that you have taken here is the  
15 same oath that you take in court when you are in front  
16 of the judge, and you are under the same obligation to  
17 tell the truth here as you would be in front of the  
18 judge in court. Do you understand?

19 A. I do.

20 Q. Is there any reason that you cannot give full  
21 and truthful testimony today such as impairment because  
22 of medication or illness or any other reason?

23 A. No.

24 Q. Is your personal e-mail address  
25 samsafety@aol.com?

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1 MS. CULLEN: 49.

2 MS. PERALES: That was 49.

3 Q. (BY MS. PERALES) I'm handing you what has been  
4 marked Deposition Exhibit No. 50. Do you recognize this  
5 as an e-mail from you to Jeff Yates dated April 21,  
6 2015?

7 A. Yes.

8 Q. Okay. And on the back page -- okay. I think  
9 we -- the front page is fine.

10 I'm handing you what has been marked  
11 Deposition Exhibit No. 51 and 52. We'll discuss them  
12 together.

13 MS. PERALES: Did you hand out 51 and 52?

14 MR. HERRERA: Yes.

15 Q. (BY MS. PERALES) Looking at Deposition  
16 Exhibit 51 and 52, do you recognize yourself in these  
17 photos?

18 A. Ashamed to say I do.

19 Q. Well, I think you look quite handsome in them.

20 Do you -- can you -- do you recognize these  
21 as photos of you putting up a sign that says "vote  
22 today"?

23 A. Yes.

24 Q. And do you remember when these photos were  
25 taken? Do you remember?

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1 A. It would be on election day, whichever was --  
2 May the -- off the top of my head, I don't remember.

3 Q. And from 2015?

4 A. Yeah.

5 Q. Okay. And is that Mr. Kirby --

6 A. Cardenas?

7 Q. Yes.

8 A. Kirby Cardenas.

9 Q. Thank you.

10 A. Yes.

11 Q. I pronounce it a little bit differently; so I'm  
12 glad you got that out there.

13 And he's helping you?

14 A. I think I was helping him put the sign up.

15 Q. Okay. And do you recall putting up vote today  
16 signs at kind of -- near the streets of Crenshaw and  
17 Fairmont on Space Center?

18 A. Yes.

19 Q. Okay. And then also the corner of Gleneagles  
20 Drive and Space Center Boulevard?

21 A. In that general area, yes.

22 Q. Okay. Thank you. Do you remember putting up  
23 signs anywhere else besides those two locations that I  
24 mentioned?

25 A. We put them up probably at every polling place

Richard Scott

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1 Q. Do you recall what meeting this was or what  
2 type of event this was?

3 A. I do not.

4 Q. How many meetings at Cullen's did Citizens for  
5 Positive Change, PAC, host?

6 A. The only one meeting I know of was the meeting  
7 we had, the kick-off meeting.

8 Q. Would you understand this receipt on the front  
9 page of Exhibit 11 to reflect another meeting on  
10 October 30, 2013?

11 A. It reflects a check on that date.

12 Q. A receipt? Yes?

13 A. A receipt. Yeah, a receipt that date, yeah. I  
14 don't recall that at all.

15 Q. I see. And then right above it, there is a  
16 check from Citizens for Positive Change to Cullen's. Is  
17 that right?

18 A. Yes.

19 Q. It's for 723?

20 A. Yes.

21 Q. The time period for this meeting, October 30  
22 2013, which is shortly before the November 2013  
23 election, would you understand this to be another  
24 meeting that was held or another event that was  
25 sponsored by Citizens for Positive Change regarding the

Richard Scott

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1 Q. Okay. Do you remember why you wanted Tom  
2 Langland to take a look at the article or why you  
3 thought it was amazing?

4 A. He was our consultant. I figured he could take  
5 a look at it, whatever it was, but I don't remember  
6 sending it to him.

7 Q. Let's take a look at Deposition Exhibit No. 15.  
8 Is it correct to say that in this e-mail you say to Tom  
9 Langland -- and this is in either the second or the  
10 third sentence, depending on how you look at it --  
11 quote: The last mayor's race we could use and pull out  
12 the Hispanic names, or we could take a look at each  
13 precinct and do the same, unquote.

14 Do you say that there?

15 A. Well, it's in the memo -- in the e-mail. This  
16 was a -- evidently, this is an e-mail reflecting the  
17 democratic and republican lists of voters.

18 Q. Tell me where it says democrat.

19 A. It doesn't say democrat at all, but it's  
20 reflecting to the democrats and republicans. That's ...

21 Q. Do you know any Hispanic republicans?

22 A. I do.

23 Q. Do you think that all Hispanics are democrats?

24 A. Of course not.

25 Q. Stick with me for a minute on this.

Richard Scott

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1 A. I'm sure we did.

2 Q. And this is to ask people to volunteer. Is  
3 that right?

4 A. Volunteer and work in the headquarters, yes.

5 Q. Okay. Would you have made more than 50 calls?

6 A. I don't know. I'm sure we did. I don't know  
7 how many we made.

8 Q. Okay. And for you personally, how many calls  
9 do you think you made?

10 A. I don't remember.

11 Q. More than 20?

12 A. I'm sure I did.

13 Q. Okay. Is it fair to say that at the kick-off  
14 meeting at Cullen's on October 3, 2013, that there were  
15 yard signs available for people to pick up?

16 A. Yes, there was, I believe.

17 Q. And did you phone any individuals to encourage  
18 them to volunteer who were in leadership positions at  
19 their homeowners associations?

20 A. No.

21 Q. Okay. So how did you decide who to phone to  
22 ask them to volunteer?

23 A. Friends, political -- you know, people who like  
24 politics, been involved in the campaigns over the years.

25 Q. Do you recall how many yard signs were made

Richard Scott

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1 overall for the 2013 campaign?

2 A. No.

3 Q. Who paid for the yard signs to be made?

4 A. I'm not sure who paid for the yard signs. It  
5 either came out of the PAC money or it came out of --  
6 probably Johnny's, the mayor's, political fund.

7 Q. Did you make any of those big signs that go by  
8 the side the road?

9 A. No.

10 Q. Did you have -- you did some mailings for  
11 November 2013 in support of the charter amendments,  
12 correct?

13 A. Yes.

14 Q. And who paid for the mailings?

15 A. For the charter?

16 Q. Yes, for the charter.

17 A. The PAC did, I'm sure.

18 Q. Do you know if any palm cards or door hangers  
19 were made up for the November 2013 election?

20 A. I don't remember door hangers. There may have  
21 been.

22 Q. Did you do any block walking yourself for  
23 November 2013?

24 A. No.

25 Q. You stayed at the headquarters?



Richard Scott

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1 A. I did.

2 Q. You were at command central?

3 A. I was a little bit smart.

4 Q. That's right. Because it's still hot at that  
5 time of year, isn't it?

6 A. It's pretty warm.

7 Q. Let's take a look at Deposition Exhibit No. 21.  
8 This is a document that you've identified as an e-mail  
9 from you to Mr. Jeff Yates on October 1, 2013. You talk  
10 about asking Mr. Yates to project the opponent's side to  
11 this campaign. Was Mr. Yates brought on to do the  
12 negative advertising for the campaign?

13 MS. SANDILL: Objection, form.

14 A. Jeff Yates was to do all the advertising for  
15 the campaign, he and Tom.

16 Q. (BY MS. PERALES) Okay.

17 A. Yeah.

18 Q. In the fourth sentence on this e-mail, you say,  
19 quote: I am attaching a letter from the opponent's  
20 attorney with a threat, unquote.

21 The fourth sentence right here in the body  
22 of your e-mail.

23 A. Yeah, I see it.

24 Q. Was that the letter from Rick Molina?

25 A. I don't have it on here, but I believe it was.

Richard Scott

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1 Q. Yeah.

2 A. I've seen it somewhere before.

3 Q. What was the threat that he was making?

4 A. I don't have a letter.

5 MR. DRUMHELLER: I think it was a part --

6 MS. SANDILL: 24.

7 THE WITNESS: You got it?

8 MS. PERALES: I'll get it. I'll get it.

9 It's right here across the top.

10 Q. (BY MS. PERALES) Let's take a look at  
11 Deposition Exhibit No. 24. Go ahead and look at the top  
12 page and then the letter behind it, so Yates Bates  
13 stamped 205 and 206.

14 A. Got it.

15 Q. Go ahead and let me know when you've taken a  
16 look at it, and I'll ask my question again.

17 A. Okay.

18 Q. In Exhibit 21 when you say, quote, I am  
19 attaching a letter from the opponent's attorney with a  
20 threat, unquote, what was the threat?

21 A. The attorney's threat was to force -- to file a  
22 lawsuit against the city in violation of the federal  
23 provisions and violation of our city charter.

24 Q. And that was to stop the election that --

25 A. That was to withdraw the recommendations for

Richard Scott

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1 the election, yes.

2 Q. Okay. On the charter amendments, right?

3 A. On the charter amendments, yes.

4 Q. Why did you send the letter to Jeff Yates?

5 A. Well, Jeff was our consultant for doing all of  
6 our advertisement, political advertisement. I thought  
7 he could use it, whatever he -- however he wanted to use  
8 it.

9 Q. You described the people who sent the letter as  
10 being from the opponent, and you mention the word  
11 "opponent" several times in the e-mail, Exhibit 21.  
12 When you were talking opponents, were you talking about  
13 the four city council members that voted against placing  
14 the charter amendments on the ballot?

15 A. No. The opponents would be everybody that  
16 would be against our charter revision. Not just the  
17 council members, but there were others involved also.

18 Q. Okay. When you say you're attaching a letter  
19 from the opponent's attorney, did you understand Mr.  
20 Molina to represent everybody who was in opposition to  
21 the charter changes?

22 A. I did not know everyone he was representing,  
23 no.

24 Q. But you knew the people -- the names of the  
25 people he set out in his letter? Exhibit 24 he mentions

Richard Scott

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SIGNATURE PAGE

I, RICHARD SCOTT, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted on the correction page.

RICHARD SCOTT

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me \_\_\_\_\_ on this day personally appeared \_\_\_\_\_ known to me [or proved to me on the oath of \_\_\_\_\_ or through \_\_\_\_\_ (description of identity card or other document)] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

Richard Scott

July 08, 2016  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO, et al., )  
 )  
Plaintiffs, )  
 )  
VS. ) CIVIL ACTION NO.  
 ) 4:14-cv-03241  
CITY OF PASADENA, et al., )  
 )  
Defendants. )

REPORTER'S CERTIFICATION  
DEPOSITION OF RICHARD SCOTT  
TAKEN JULY 8, 2016

I, ANDREA BALLANTYNE, Certified Shorthand Reporter  
in and for the State of Texas, hereby certify to the  
following:

That the witness, RICHARD SCOTT, was duly sworn by  
the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

That the deposition transcript was submitted to the  
ordering attorney, Ms. Nina Perales.

That a copy of this certificate was served on all  
parties and/or the witness shown herein on

\_\_\_\_\_,  
I further certify that pursuant to FRCP Rule  
30(f)(1) that the signature of the deponent:  
XX was requested by the deponent or a party  
before the completion of the deposition and that  
signature is to be before any notary public and returned  
within 30 days from date of receipt of the transcript.  
If returned, the attached Changes and Signature Page  
contains any changes and the reasons therefor:

\_\_\_\_\_  
was not requested by the deponent or a party  
before the completion of the deposition.

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties in the  
action in which this proceeding was taken, and further  
that I am not financially or otherwise interested in the  
outcome of the action.

Richard Scott

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1                   Subscribed and sworn to under my hand and seal of  
2 office on this 19th day of July, 2016.

3  
4  
5  
6                   *Andrea Ballantyne*  
7

8                   \_\_\_\_\_  
9                   ANDREA BALLANTYNE, CSR  
10                  TX CSR NO. 3511  
11                  Expiration Date: 12-31-17  
12                  Firm Registration No. 631  
13                  Kim Tindall & Associates, LLC  
14                  16414 San Pedro, Suite 900  
15                  San Antonio, Texas 78232  
16                  (210) 697-3400  
17                  (210) 697-3408  
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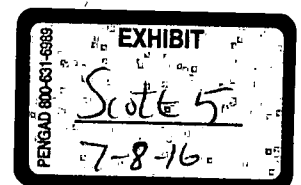
# EXHIBIT 23

**From:** Richard <samsafety@aol.com>  
**To:** fmarino <fmarino@hrgreen.com>  
**Subject:** Re: Document1  
**Date:** Tue, Oct 1, 2013 9:23 am  
**Attachments:** HR Green.docx (18K)

---

Frank,  
Please find attached the letter for our "Citizens for Positive Change" kick off on October 3rd, 2013.  
Let me know if this will be ok...r

-----Original Message-----  
**From:** Marino, Frank <fmarino@hrgreen.com>  
**To:** samsafety <samsafety@aol.com>  
**Sent:** Tue, Oct 1, 2013 9:13 am  
**Subject:** Document1



PASADENA15021



TO: HR Green

October 1, 2013

ATTN: Frank Marino

RE: Citizens for Positive Change

"The Citizens for Positive Change" is hosting their kickoff meeting at 6:30 pm Thursday, October 3, 2013 at Cullen's Located at 11500 Space Center Blvd., Houston, Texas. Host contributions are requested starting at \$2000. Corporate checks may be addressed to "The Citizens for Positive Change" and delivered at the event or mail to P.O. Box 195, Pasadena, Texas 77505.

Richard Scott  
Secretary

PASADENA15022

# EXHIBIT 24

MAIL

**From:** KHollon@ci.pasadena.tx.us  
**To:** samsafety@aol.com, rscott@ci.pasadena.tx.us  
**Subject:** Meeting information  
**Date:** 25-Sep-2013 10:37  
**Attachments:** TEXT.htm [Save] [Open]  
**Creation Date:** 25-Sep-2013 10:37  
**Store Date:** 25-Sep-2013 17:40  
**Status:** accepted,opened,read  
**Box Type:** sent  
**Folder:** Karen Hollon Home > Sent Items  
**Message Id:** 5242BCDF.MailDomain.MailPO.200.20000B1.1.65B27.1

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible. Keep Richard informed - October 3

October 7 - firefighters

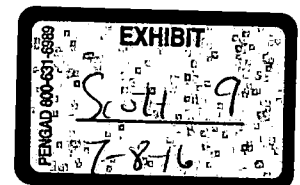
September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

Committed to Improving Our Neighborhoods

Karen Hollon  
Neighborhood Network Manager  
City of Pasadena  
Neighborhood Network Division  
1211 Southmore  
Pasadena, Texas 77501  
713.475.7221 - office  
khollon@ci.pasadena.tx.us



PASADENA15004

TEXT.htm

ATTACHMENT

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible.  
Keep Richard informed - October 3

October 7 - firefighters

September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

Committed to Improving Our Neighborhoods

Karen Hollon  
Neighborhood Network Manager  
City of Pasadena  
Neighborhood Network Division  
1211 Southmore  
Pasadena, Texas 77501  
713.475.7221 - office  
khollon@ci.pasadena.tx.us <mailto:khollon@ci.pasadena.tx.us>

PASADENA15005

# EXHIBIT 25

MAIL

**From:** RScott@ci.pasadena.tx.us  
**To:** khollon@ci.pasadena.tx.us  
**Subject:** Re: Meeting information  
**Date:** 25-Sep-2013 10:38  
**Attachments:** TEXT.htm [Save] [Open]  
**Creation Date:** 25-Sep-2013 10:37  
**Store Date:** 25-Sep-2013 17:40  
**Status:**  
**Box Type:** received  
**Folder:** Karen Hollon Home > Mailbox  
**Message Id:** 5242BD07.MailDomain.MailPO.200.200009B.1.6A437.1

Thank's...r

>>> Karen Hollon 9/25/2013 10:37 AM >>>

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible. Keep Richard informed - October 3

October 7 - firefighters

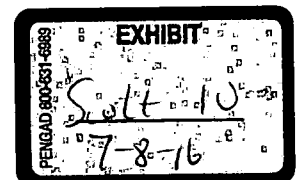
September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

Committed to Improving Our Neighborhoods

Karen Hollon  
Neighborhood Network Manager  
City of Pasadena  
Neighborhood Network Division  
1211 Southmore  
Pasadena, Texas 77501  
713.475.7221 - office  
khollon@ci.pasadena.tx.us



PASADENA15006

TEXT.htm

ATTACHMENT

Thank's...r

>>> Karen Hollon 9/25/2013 10:37 AM >>>

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible.

Keep Richard informed - October 3

October 7 - firefighters

September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

Committed to Improving Our Neighborhoods

Karen Hollon

Neighborhood Network Manager

City of Pasadena

Neighborhood Network Division

1211 Southmore

Pasadena, Texas 77501

713.475.7221 - office

khollon@ci.pasadena.tx.us <mailto:khollon@ci.pasadena.tx.us>

# EXHIBIT 26



**From:** Richard <samsafety@aol.com>  
**To:** tlangland <tlangland@RightOnTheMoney.net>  
**Subject:** Fwd: Scanned from Mayor's Office  
**Date:** Wed, Sep 4, 2013 11:09 am

---

Tom,  
Yes I got the email about the precincts...The mayor and I spoke yesterday about the voters list. The last Mayor's race we could use and pull out the Hispanic names or we could take a look at each precinct and do the same..We have a lot of overlapping precincts in each district with a combination of mixed voters...Let me know your thought's on our first mail out..Is there anyway to get the republican voters lists for Pasadena. This might help with our cause.....r

-----Original Message-----  
**From:** Tom Langland <tlangland@rightonthemoney.net>  
**To:** 'Richard' <samsafety@aol.com>  
**Sent:** Wed, Sep 4, 2013 9:55 am  
**Subject:** RE: Scanned from Mayor's Office

I am getting the pictures. Did you get my email about the precincts to delete?

---

**Tom Langland**  
**Right On The Money**  
281-633-9797  
[RightOnTheMoney.net](http://RightOnTheMoney.net) | [Twitter](https://twitter.com/tlangland) | [Facebook](https://www.facebook.com/tlangland) | [LinkedIn](https://www.linkedin.com/in/tlangland)

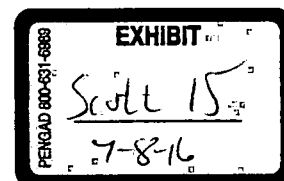
---

**From:** Richard [mailto:samsafety@aol.com]  
**Sent:** Wednesday, September 04, 2013 9:47 AM  
**To:** Tlangland@RightOnTheMoney.net  
**Subject:** Fwd: Scanned from Mayor's Office

Tom,  
Let me know what you think....and if you are receiving these pictures and information...R

-----Original Message-----  
**From:** Pasadena Mayor Office <XRXMayor@ci.pasadena.tx.us>  
**To:** samsafety <samsafety@aol.com>  
**Sent:** Wed, Sep 4, 2013 9:44 am  
**Subject:** Scanned from Mayor's Office

Please open the attached document



# EXHIBIT 27

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO, et al. )  
 )  
 Plaintiffs, )  
 )  
 vs. ) C.A. NO. 4:14-CV-03241  
 )  
 CITY OF PASADENA, )  
 et al., )  
 )  
 Defendants. )

\*\*\*\*\*

ORAL DEPOSITION OF  
CODY RAY WHEELER

JUNE 22, 2016

\*\*\*\*\*

THE ORAL DEPOSITION OF CODY RAY WHEELER,  
produced as a witness at the instance of the Defendants,  
and duly sworn, was taken in the above-styled and  
numbered cause on the 22nd day of June, 2016, from  
9:07 a.m. to 1:45 p.m., before Johnnie E. Barnhart, CSR  
in and for the State of Texas, reported by machine  
shorthand, at the Pasadena City Hall, 1211 Southmore  
Avenue, Pasadena, Texas 77502, pursuant to the Federal  
Rules of Civil Procedure and the provisions stated on  
the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

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**Cody Ray Wheeler - June 22, 2016**

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09:07:02 1 CODY RAY WHEELER,  
09:07:02 2 having been first duly sworn, testified as follows:

09:07:02 3 EXAMINATION

09:07:03 4 BY MS. AHLRICH:

09:07:03 5 Q. Please state your name for the record.

09:07:05 6 A. My name is Cody Ray Wheeler.

09:07:07 7 Q. Good morning, Mr. Wheeler. My name is Katie  
09:07:10 8 Ahlrich. We met earlier this morning, didn't we?

09:07:12 9 A. Yes, we did.

09:07:13 10 Q. First, I want to go through just a little bit  
09:07:15 11 about the deposition today and how we're going to  
09:07:17 12 conduct it.

09:07:17 13 A. Okay.

09:07:18 14 Q. Have you ever had a deposition taken before?

09:07:19 15 A. Yes.

09:07:19 16 Q. In what type of matter was that?

09:07:23 17 A. The same as this one, had an attorney present,  
09:07:27 18 being questioned by an attorney over a case.

09:07:29 19 Q. Was it a voting rights case?

09:07:30 20 A. It was an election contest.

09:07:33 21 Q. What election contest was it?

09:07:36 22 A. For election against myself and Leroy Stanley  
09:07:40 23 that took place in 2013.

09:07:42 24 Q. What was the outcome of that case?

09:07:44 25 A. It was the dismissed without prejudice.

## Cody Ray Wheeler - June 22, 2016

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09:33:19 1 was successful. And then, you know, after that, that's  
09:33:22 2 when we saw these type of -- when we saw Hispanic  
09:33:25 3 participation increase, that's when we saw the push for  
09:33:28 4 at-large districts.

09:33:38 5 Q. So, tell me about when you first learned about,  
09:33:42 6 as you call it, the push for at-large districts.

09:33:44 7 A. I think that was -- I don't remember what night  
09:33:48 8 it was, but it was -- it was a council -- it was in the  
09:33:51 9 council chambers, and the mayor was the first one to  
09:33:57 10 present the idea.

09:34:04 11 Q. What did the mayor -- how did the mayor present  
09:34:07 12 the idea?

09:34:07 13 A. He said that -- something with the -- now that  
09:34:13 14 the Voting Rights Act is thrown out, we can redraw these  
09:34:18 15 lines. We're not held back by the Justice Department.  
09:34:25 16 And he wanted to draw the lines based on roadways and  
09:34:28 17 then add at-large districts. And we -- we expressed our  
09:34:32 18 concern that it would, you know, disenfranchise minority  
09:34:37 19 voters. And then he made a comment that 70 percent  
09:34:42 20 Hispanics are illegal anyways and -- it just -- it  
09:34:44 21 showed a real contempt for that population on the north  
09:34:47 22 side, and it was -- to me, it was pretty obvious what  
09:34:50 23 was going on.

09:34:52 24 Q. What do you contend was pretty obvious was  
09:34:56 25 going on?

Cody Ray Wheeler - June 22, 2016

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09:43:55 1 districts are regressive.

09:43:55 2 A. Uh-huh.

09:43:58 3 Q. And then you mentioned that you thought that  
09:44:00 4 Mr. Stanley and Mr. Hebert and Mr. Isbell were in a camp  
09:44:03 5 that was involved in --

09:44:12 6 A. And Hebert.

09:44:14 7 Q. Mr. Hebert, Mr. Wheeler and Johnny Isbell. How  
09:44:17 8 would you characterize the camp you've put them in?

09:44:21 9 A. I would say contentious towards Hispanics. You  
09:44:24 10 know, you -- if you look at the investment in the city,  
09:44:27 11 you just drive around here, if you go down to the south  
09:44:29 12 side of town, Fairmont, as opposed to Pasadena  
09:44:32 13 Boulevard, you can see the way the roads are, you can  
09:44:34 14 see the way the neighborhoods are. There's no  
09:44:38 15 neighborhood associations, there's little to no  
09:44:41 16 investment being put here, and there always -- always --  
09:44:45 17 there's always another project down on Fairmont or on  
09:44:48 18 Clear Lake. That's an issue.

09:44:50 19 Q. Would there be anybody else you would put in  
09:44:53 20 the camp that is contentious toward Hispanics?

09:44:56 21 A. Off the top of my head, I can't think of  
09:44:59 22 anyone.

09:45:02 23 Q. And with regard to the change to at-large  
09:45:07 24 districts being regressive, you said -- I asked you if  
09:45:12 25 you would still have that opinion if there was a



## Cody Ray Wheeler - June 22, 2016

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09:55:50 1 Q. Are you aware of any written materials produced  
09:55:54 2 by Mayor Isbell that you would contend would be evidence  
09:55:59 3 of a discriminatory intent with respect to proposing the  
09:56:02 4 mixed system?

09:56:04 5 A. You know, there was -- I think you can  
09:56:07 6 interpret it how you want, but I know Isbell and his  
09:56:11 7 camp. They put out -- I think they dog whistle  
09:56:15 8 sometimes, and they put out a picture of me next to  
09:56:17 9 Barack Obama, you know.

09:56:24 10 Q. What do you mean by "they dog whistle"? I'm  
09:56:26 11 not familiar with that phrase.

09:56:27 12 A. Dog whistle is where you -- you say something  
09:56:32 13 that -- how do I put this? You know, like a dog  
09:56:35 14 whistle, only dogs can hear it? Well, if you're  
09:56:38 15 trying -- if you're -- if someone is racist and  
09:56:40 16 you -- you can say something subtly, and a racist will  
09:56:43 17 pick up on it.

09:56:44 18 You know, like you put a -- like I know  
09:56:47 19 that history -- Pasadena has a history of this, and  
09:56:49 20 there's a famous mailer. It's called the blackbird  
09:56:52 21 mailer. And there was a gentleman by the name of Joel  
09:56:55 22 Redmond, a white gentlemen, and he was a Democrat, and  
09:57:01 23 Ken Legler put a picture of Joel Redmond and had Sheila  
09:57:06 24 Jackson Lee, Barack Obama, Al Sharpton, Garnet Coleman,  
09:57:11 25 all these black figures, and they said: Birds of a

## Cody Ray Wheeler - June 22, 2016

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09:57:14 1 feather flock together.

09:57:15 2 And so this is a tactic that's been kind of  
09:57:18 3 used in this city before, what I call dog whistling.  
09:57:22 4 And sometimes I feel like when you do things like that,  
09:57:25 5 when you put me on a mailer and you try to tie me to  
09:57:29 6 black or minority, other minority politicians, you're  
09:57:33 7 dog whistling. And I think -- I don't know if y'all  
09:57:37 8 have a copy of that. I don't have a hard copy, I don't  
09:57:39 9 think.

09:57:39 10 MS. PERALES: We do.

09:57:39 11 THE WITNESS: Okay.

09:57:42 12 MS. PERALES: It's been marked.

09:57:56 13 THE WITNESS: Okay.

09:57:56 14 MR. MOLINA: You mean it's been marked --

09:57:58 15 MS. PERALES: In a previous deposition.

09:58:00 16 MR. MOLINA: Him with Obama, or are you  
09:58:03 17 talking about the Redmond mailer?

09:58:03 18 THE WITNESS: Yeah.

09:58:03 19 MR. MOLINA: Or both?

09:58:05 20 THE WITNESS: Not the Redmond mailer, just  
09:58:05 21 the one with Obama --

09:58:05 22 MS. PERALES: And the acorn?

09:58:07 23 THE WITNESS: And the acorn. Right.

09:58:29 24 ([Exhibit No. 3](#) marked.)

09:58:29 25 Q. (By Ms. Ahlrich) You've been handed what's

## Cody Ray Wheeler - June 22, 2016

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10:04:45 1 Will you please tell me what those are photographs of?

10:04:47 2 A. That is a photograph of Kirby Cardenas, Parks  
10:04:53 3 and Rec. Director, and then Richard Scott. He is  
10:04:56 4 the -- I think his title is Communication Director, but  
10:04:59 5 I think essentially he's a campaign manager that gets  
10:05:01 6 paid by the City. But they're putting out signs down  
10:05:05 7 there on the south side of town on election day, and  
10:05:08 8 these signs are not put on the north side of town.  
10:05:10 9 They're only put down Fairmont and south.

10:05:18 10 Q. What do those signs say?

10:05:20 11 A. It says vote -- I think it says "vote today,  
10:05:22 12 very important," if I remember correctly.

10:05:28 13 Q. What is the date of those photographs?

10:05:33 14 A. It was election day. Or it was the day before  
10:05:37 15 election day is what it was. I don't remember what day  
10:05:40 16 election day was, but I know it was the day before  
10:05:43 17 election day.

10:05:43 18 Q. For what election?

10:05:44 19 A. The city council elections, 2015.

10:05:51 20 Q. And where -- what location is that?

10:05:53 21 A. I don't know. I don't know where it's at. I  
10:05:56 22 know it's in the south part of town.

10:05:59 23 Q. Who took those photos?

10:06:00 24 A. A lady by the name of Kristie Lawhorn.

10:06:04 25 Q. How do you spell that?

**Cody Ray Wheeler - June 22, 2016**

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10:06:05 1 A. K-R-I-S-T-I-E, L-A-W-H-O-R-N.

10:06:12 2 Q. Who is Kristie Lawhorn?

10:06:14 3 A. She's a resident here in Pasadena. Her  
10:06:17 4 son -- I mean her husband used to be the fire chief.  
10:06:21 5 Assistant fire chief. I'm sorry.

10:06:24 6 Q. How did you get these pictures?

10:06:25 7 A. She sent them to me.

10:06:29 8 Q. How did she send them to you?

10:06:30 9 A. Text.

10:06:33 10 Q. Did she provide any comment when she sent these  
10:06:35 11 pictures?

10:06:36 12 A. She called me and said, Hey, I think I just saw  
10:06:38 13 Richard Scott and Kirby Cardenas putting signs out. And  
10:06:44 14 I said, Really? I said -- she goes, I have a picture.  
10:06:47 15 I said, Well, if you don't mind, send it to me. And I  
10:06:49 16 think this was right around 5 o'clock. So, I don't know  
10:06:50 17 if they were on city time or not. I just thought it was  
10:06:55 18 interesting that two department heads were out putting  
10:07:01 19 campaign signs out.

10:07:03 20 Q. Did those signs say anything other than vote  
10:07:06 21 today?

10:07:07 22 A. Very important. Vote today, very important.

10:07:10 23 And so, they were obviously trying to drive  
10:07:12 24 out the vote because these signs did not go north of  
10:07:15 25 Fairmont. They didn't -- they were trying to drive the

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10:38:05 1 contend demonstrate the intent of the City to not have  
10:38:14 2 neighborhood groups on the north side?

10:38:18 3 A. Yeah. Their inaction.

10:38:19 4 Q. But is there any action, are there any  
10:38:23 5 statements made that you contend reflect an intention of  
10:38:28 6 the City not to have neighborhood groups on its north  
10:38:31 7 side? Are there any documents that you contend evidence  
10:38:34 8 an intention by the City to not have neighborhood groups  
10:38:36 9 on the north side of town?

10:38:37 10 A. No.

10:38:38 11 Q. And I'd like to take a step back. What do you  
10:38:42 12 consider to be the north side of town?

10:38:43 13 A. I think generally people consider anything  
10:38:45 14 north of Spencer. And it's funny because if you -- if  
10:38:51 15 you stand on the intersection of Spencer and Preston and  
10:38:55 16 you look south, you see a four-lane highway with median  
10:39:00 17 and trees down the middle, and everything looks new.  
10:39:02 18 And you look north, and it's just a beat-up road, you  
10:39:06 19 know. And that's where a lot of people say the north  
10:39:09 20 side starts.

10:39:10 21 Q. That is one thing you've mentioned, you think  
10:39:15 22 that there's an inequality in the way City spends  
10:39:18 23 funds -- the City spends funds. It's my understanding  
10:39:22 24 that in 2013, there was a proposal to have a bond  
10:39:26 25 election. Are you familiar with that?

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10:43:57 1 Q. Did you speak at that meeting?

10:44:00 2 A. Yes.

10:44:01 3 Q. What did you say?

10:44:03 4 A. I mean, I know I opposed redistricting, you  
10:44:06 5 know. And I think my concern with the bond was that it  
10:44:08 6 was a little too hefty. I mean, it was -- it was things  
10:44:12 7 like buying fire engines with the bonds. You know, if  
10:44:19 8 this bond takes 30 years to pay off but the life of a  
10:44:22 9 fire engine is 15 years, then why have it on the bond?

10:44:27 10 And, you know, we broke down the -- I don't  
10:44:28 11 have the numbers. I know Pat Van Houte has it. But  
10:44:31 12 where the money was being spent. And I think like 75  
10:44:34 13 percent of the money was being spent south of Spencer.  
10:44:38 14 And so, you -- you can talk with her on that. So, where  
10:44:41 15 the money was being spent, how it was being spent.

10:44:43 16 And even if they proposed a bond where it  
10:44:47 17 said, Hey, you know, 80 percent of or 90 percent is  
10:44:51 18 going to be spent on the north side of town, you're not  
10:44:54 19 legally bound to spend that money on those streets that  
10:44:59 20 you presented in the bond proposal. It just has to be  
10:45:02 21 spent in this subject area. So, you know, you say 90  
10:45:06 22 percent of these roads are going to be done, you could  
10:45:07 23 actually turn around and spend it on 90 percent of the  
10:45:10 24 roads in the south.

10:45:11 25 And that -- that was -- I think

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11:11:36 1 Q. Have you followed up on that?

11:11:37 2 A. I've submitted -- yeah, I've submitted it  
11:11:39 3 multiple times.

11:11:39 4 Q. How many times?

11:11:40 5 A. At least two.

11:11:43 6 Q. Have you spoken with anybody about why it  
11:11:45 7 hasn't been done?

11:11:46 8 A. No.

11:11:50 9 Q. Are there any other instances in which you feel  
11:11:57 10 like the -- or you contend the City has failed to  
11:12:00 11 respond to either one of your requests or a citizen's or  
11:12:04 12 resident's request?

11:12:05 13 A. Not that I remember off the top of my head.

11:12:08 14 Q. Are you aware of any other instances in which  
11:12:10 15 the City has failed to respond to another  
11:12:13 16 councilmember's request?

11:12:14 17 A. Pat Van Houte is one.

11:12:18 18 Q. Do you know of any of her specific requests?

11:12:21 19 A. No. You can talk to her about that. And then  
11:12:23 20 there's -- there's Pasadena Boulevard, Shaw Street,  
11:12:26 21 Preston, several civil projects that haven't -- haven't  
11:12:30 22 been completed, that money being moved away.

11:12:33 23 Q. So, you said previously that the mayor canceled  
11:12:37 24 Shaw Street and Pasadena Boulevard.

11:12:37 25 A. Uh-huh.

Cody Ray Wheeler - June 22, 2016

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11:12:40 1 Q. And now you've mentioned Preston. What do you  
11:12:42 2 mean by that?

11:12:42 3 A. Preston was a street that was on the agenda to  
11:12:46 4 get done, and it wasn't. It hasn't -- hasn't been.

11:12:51 5 Q. When you say it was "on the agenda to get  
11:12:54 6 done," what does that mean?

11:12:56 7 A. The City was planning on redoing that street.

11:13:01 8 Q. Do you know why it hasn't been redone?

11:13:03 9 A. Money has been taken from those projects, and  
11:13:07 10 we bought land on the south side of town, and they want  
11:13:11 11 to put a hockey team in, amateur hockey team. It's  
11:13:17 12 going to cost like 375 million.

11:13:21 13 Q. So, are you saying that money had been  
11:13:27 14 allocated to reconstruct or repave Shaw Street, Pasadena  
11:13:34 15 Boulevard and Preston --

11:13:35 16 A. Yes.

11:13:35 17 Q. -- and that money has now been reallocated?

11:13:39 18 A. Yes.

11:13:39 19 Q. What was the process for that?

11:13:42 20 A. They canceled the projects. I know Pasadena  
11:13:49 21 Boulevard, we -- I think it was -- somewhere -- I think  
11:13:53 22 it was like 3.5 million to redo Pasadena Boulevard, and  
11:13:58 23 we -- and that was on the agenda to get done, and then  
11:14:00 24 we had to vote it down, and it went -- again, went 5-4.  
11:14:05 25 His -- his people voted to redo -- to do away with that



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11:14:08 1 project. And then, the very next month we gave Second  
11:14:12 2 Century 4.2 million to purchase land. And so, they  
11:14:17 3 needed that money to make that land deal. And of  
11:14:21 4 course, they'll say, Oh, it's unconnected. But it's  
11:14:24 5 always unconnected, and the next month is always  
11:14:27 6 something else they spend the money on.

11:14:28 7 Q. When did the vote on canceling Pasadena  
11:14:34 8 Boulevard occur?

11:14:34 9 A. I don't remember. It was within the last five  
11:14:38 10 months, I believe.

11:14:41 11 Q. And that was a vote taken by council?

11:14:43 12 A. Yes.

11:14:44 13 Q. When did the vote to appropriate money to  
11:14:48 14 Second Century in the amount of \$4.2 million occur?

11:14:52 15 A. The next month. And the thing is we were -- we  
11:14:54 16 were lied to. We were told, Hey, the county said  
11:14:56 17 they're going to pick this -- this tab up. Well, then,  
11:15:00 18 as it turns out, the county never agreed to that. We  
11:15:03 19 had no agreement with the county, nothing in writing,  
11:15:06 20 nothing in their bond proposal about Pasadena Boulevard.  
11:15:10 21 And so, that was the -- the sad part about it is that we  
11:15:13 22 were blatantly lied to, to get that money.

11:15:15 23 Q. Who told you that?

11:15:16 24 A. The mayor.

11:15:17 25 Q. What did the mayor say specifically?

1 I, CODY RAY WHEELER, have read the  
2 foregoing deposition and hereby affix my signature that  
3 same is true and correct, except as noted above.

4  
5  
6 CODY RAY WHEELER

7 THE STATE OF \_\_\_\_\_:

8 COUNTY OF \_\_\_\_\_:

9  
10 Before me, \_\_\_\_\_, on  
11 this day personally appeared CODY RAY WHEELER, known to  
12 me (or proved to me under oath or through  
13 \_\_\_\_\_) (description of identity card or other  
14 document) to be the person whose name is subscribed to  
the foregoing instrument and acknowledged to me that  
they executed the same for the purposes and  
consideration therein expressed.

15 Given under my hand and seal of office  
16 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

17  
18  
19 \_\_\_\_\_  
20 Notary Public in and for  
The State of \_\_\_\_\_

21 My Commission Expires \_\_\_\_\_  
22  
23  
24

25 Job No. 01-70521

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

REPORTER'S CERTIFICATION  
DEPOSITION OF CODY RAY WHEELER  
TAKEN ON JUNE 23, 2016

1 I further certify that I am neither counsel for,  
2 related to, nor employed by any of the parties or  
3 attorneys in the action in which this proceeding was  
4 taken, and further that I am not financially or  
5 otherwise interested in the outcome of the action.

6  
7 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
8 \_\_\_\_\_.

9 JOHNNIE E. BARNHART, TEXAS CSR NO. 976  
10 Expiration Date: December 31, 2016  
11 CONTINENTAL COURT REPORTERS, INC.  
12 Firm Registration No. 61  
13 5300 Memorial Drive, Suite 250  
14 Houston, TX 77007-8250  
15 (713) 522-5080  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CONTINENTAL COURT REPORTERS, INC.  
(713) 522-5080

FURTHER CERTIFICATION

The original deposition was/was not returned to the deposition officer on \_\_\_\_\_;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to \_\_\_\_\_, Custodial Attorney;

That \$ \_\_\_\_\_ is the deposition officer's charges to the \_\_\_\_\_ for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 30(f), and that a copy of this certificate was served on all parties shown herein.

Certified to by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

JOHNNIE E. BARNHART, TEXAS CSR NO. 976  
Expiration Date: December 31, 2016  
CONTINENTAL COURT REPORTERS, INC.  
Firm Registration No. 61  
5300 Memorial Drive, Suite 250  
Houston, TX 77007-8250  
(713) 522-5080